

Carpet Stewardship Regulation, Overview of Comments, Second 15-day Comment Period (Oct 11 - Oct 26, 2011)

Comment Number	Commenter Affiliation	First name	Last name	Summary of Comment	CalRecycle Response	Revisions Needed	Section/ Area
W23-01	County Santa Cruz	Jeffrey	Smedburg	<p>Proposed language for section 18943 (a)(5)(E):</p> <p>Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have reasonably convenient opportunity(ies) to <u>manage their post-consumer carpet located in each county that has a carpet retailer or and in each county in which a local city or county governmental jurisdiction desires such opportunity to exist to manage their post-consumer carpet.</u></p>	The changes made to the language of the regulation accomplishes the same purpose as the suggested edit of the commenter, therefore, no further changes are needed.	No	18943 (a) (5) (E)
W24-01	Los Angeles County	Margaret	Clark	<p>Revise Section 18941(l) as follows: <u>“Transformation” has the same meaning as defined in Section 40201 of the Public Resources Code means incineration, pyrolysis, distillation, or biological conversion other than composting. “Transformation” does not include composting, gasification, or biomass conversion.</u></p> <p>While we acknowledge that the proposed definition of “transformation” is verbatim to current statute, we believe it would be more appropriate to refer to the PRC statute in order to assure consistency in the event the statute definition is revised. As an active member of the Bioenergy Interagency Working Group, CalRecycle is well aware and has been in support of legislative efforts to refine existing statutory definitions including the definition of transformation, which arbitrarily includes some conversion technologies, excludes other technologies, and makes no mention of many other conversion technology categories.</p>	CalRecycle agrees to make the recommended change. This will not have any impact on the regulation given the reference has the same definition for transformation.	Yes	18941(l)

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W24-02	Los Angeles County	Margaret	Clark	<p>Revise Section 18943(a)(4)(B) as follows: "Management of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than the management of carpet through Carpet As Alternative Fuel, and other forms of transformation."</p> <p>We are more concerned with the structure of this section, which essentially equates Carpet As Alternative Fuel (CAAF) with transformation. As explained by CalRecycle staff, CAAF is a product made from residual (unrecyclable) carpet waste while transformation is a subset of processes that can utilize CAAF. As currently drafted, this section not only fails to acknowledge various other conversion technologies not included under transformation that can also utilize CAAF but also confuses a product with a process.</p>	CalRecycle does not intend to equate CAAF with transformation and understands how confusion can arise. CalRecycle revised Section 18943(a)(4)(B) as follows: "Management of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than the management of carpet in any form, including Carpet As Alternative Fuel (CAAF), used as a fuel."	Yes	Section 18943 (a) (4) (B)
W24-03	Los Angeles County	Margaret	Clark	<p>Delete Sections 18943(a)(7)(F)(a) and 18944(a)(7)(I)(a): "Funds designated for CAAF, must be supported with documentation that provides evidence of a net environmental benefit over landfilling and that without an incentive more materials would be landfilled." ; and "Funds, if spent on CAAF, must be supported with documentation reporting on economic and environmental impacts and that incentives shall expire, if they no longer serve a benefit."</p> <p>AB 2398 specifically allows for CAAF; however, in the draft Regulations, in order to receive funding for CAAF, CalRecycle requires manufacturers to provide additional documentation that is not required for any other carpet derived product such as products generated from recycling. If these requirements for funding are in the Regulations, they should be required for all products derived from carpet, or they should not be required for any at all. There is no basis to single out CAAF for these extra documentation requirements, and thus, the Regulations go beyond the legislative intent of AB 2398. Furthermore, CalRecycle has already validated the net environmental benefits of conversion technologies in your \$1.5 million June 2007 New and Emerging Conversion Technologies Report to the Legislature.</p>	Some stakeholders strongly opposed a requirement that additional documentation be provided in order for CAAF to receive an incentive, in part because additional documentation is not required for carpet that is recycled. In contrast, other stakeholders suggested that CAAF should not be eligible for any incentives. While AB 2398 does not refer specifically to CAAF, it does provide for management options other than recycling. As such, setting different standards for recycling as compared to the use of CAAF is justified under the waste management hierarchy specifically incorporated under PRC Section 42970. Furthermore, similar information will be required during any California Environmental Quality Act (CEQA) analysis of carpet-derived products. However, this particular provision is included to address the possible incentivization of CAAF and allows for CAAF to be eligible for funds, but only if verification of the need and benefit is provided in the stewardship plan or supporting documents. CalRecycle believes this approach is necessary, given the controversy over this topic.	No	Section 18943 (a) (7) (I) a.

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W24-04	Los Angeles County	Margaret	Clark	<p>Delete Section 18943(a)(12): “Environmental information. Plans shall be accompanied with information to assist in completing an initial study under the California Environmental Quality Act.”</p> <p>This requirement is vague and does not provide sufficient information to be instructive to manufacturers complying with the Regulations. It is also unclear why this section is necessary. Under this section, plans are required to be accompanied with information for the California Environmental Quality Act (CEQA) compliance. The Task Force would like clarification on what the basis is for this requirement under AB 2398. The Task Force believes CalRecycle is the responsible agency for CEQA compliance, and therefore recommends deleting the section entirely.</p>	<p>CalRecycle agrees it is the lead agency and responsible for preparing the CEQA initial study and disagrees with the comment to delete section 18943(a)(12). CalRecycle cannot complete its CEQA analysis, which is required for adopting the stewardship plan, without environmental information from the manufacturers/ stewardship organization. This provision thus is needed to give notice to the organizations submitting a plan who may not be familiar with CEQA. By including the need to provide environmental information, this requirement provides clearer direction, encourages environmental considerations in the design of the plan, and allows for CalRecycle to assess the plan and make a determination on its approval. During the plan development stages, CalRecycle and the stewardship organization are in regular communication and can discuss the details of what information is needed.</p>	No	Section 18943 (a) (12)
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W25-01	SWANA	William	Merry	<p>The LTF is concerned with new requirements in Sections 18943 (a)(7)(F)(a) and 18944(a)(7)(I)(a) that single out funds designated and spent on CAAF for additional documentation requirements. There are several reasons that this new requirement should be removed from the proposed regulations:</p> <p>1. CalRecycle has already validated the net environmental benefits of conversion technologies in the New and Emerging Conversion Technologies Report (CalRecycle, 2007). The required documentation contained in the sections identified above is redundant and unnecessary.</p> <p>2. Documenting the “net environmental” benefit as required by the revised regulations will require the unnecessary expenditure of resources. Depending on how CalRecycle ultimately implements this requirement, and what type of documentation is deemed acceptable, the cost could be prohibitive.</p> <p>3. The regulations contain no description of the criteria that would be used to confirm that CAAF does indeed provide a net environmental benefit over landfilling. Without this type of guidance the requirement simply serves as a roadblock to the effective and convenient utilization of CAAF.</p> <p>4. AB 2398 contains no basis for singling out CAAF for additional, potentially prohibitive, documentation requirements. If this requirement to provide documentation of the “net environmental benefit” is to be included in the regulations, which we do not believe it should be, it should be applied to all products derived from carpet.</p>	<p>For comment 1: The report mentioned is about non-combustion thermal technologies and focuses on three conversion technologies: concentrated acid hydrolysis, gasification; and catalytic cracking. The report is general and does not analyze carpet as a feed stock. CalRecycle is seeking information specific to carpet and anticipates that the stewardship organization or individual manufacturer submitting a plan will provide statewide information.</p> <p>For comment 2: See W24-04. This type of expenditure is already required under CEQA law.</p> <p>For comment 3: CalRecycle is seeking statewide information on CAAF and its impacts in the stewardship plan, rather than facility by facility type information on a continual basis submitted by those facilities. A key reason for the additional information is due to the use of incentives for CAAF and the controversy over this as noted in the response to W24-03</p> <p>For comment 4: See W24-03.</p>	No	
W25-02	SWANA	William	Merry	See W24-04	See W24-04	No	Section 18943 (a) (12)